

In re Patent Application of:
MCELROY ET AL
Serial No. 09/934,746
Filed: 08/22/2001

REMARKS

The claims have been amended to clarify the definition of the invention. Reconsideration of this application in light of the foregoing amendments and following remarks is respectfully requested.

Prior to the present amendment, claims 19-22 were pending. With the foregoing amendments, claims 19-21 are currently pending.

The rejection of claims 19-22, under the provisions of 35 U.S.C. § 103, as being unpatentable over the patents to Kolbenson et al and Elliott et al, for the reasons set forth in items 4-10 on pages 2-4 of the outstanding Office Action, is respectfully traversed.

At the outset, Applicants continue to point out the fact the present invention is directed to a link pre-establishment control routine that is automatically executed by the control processor of an integrated access device (IAD) in order to set the operational parameters of the device to conform those of various pieces of equipment employed by a service provider to deliver packetized voice and data services. Namely, the invention is operative to "set up" or "initialize" an integrated access device so that communications between that device and other equipment may proceed, once the communications are intended to commence. It is for this reason, that claim 19 refers to a link "pre-establishment" control routine.

In contrast therewith, the patent to Kolbenson et al is directed to a mechanism for controlling the on-going operation of a central office switch (not an IAD), so that during its

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operation, the bandwidth availability provided by the switch may be dynamically modified to meet customer demands. Nowhere in the patent to Kolbenson et al is there any disclosure or suggestion of any digital communication link pre-establishment control routine that is used to initialize the operation of the IAD 19, to which the central office switch is connected.

The patent to Elliott et al is directed to a mechanism for responding to requests for quality of service and adjusting the operation of a network, on demand, to meet those requests. Like Kolbenson et al, Elliott et al contains no disclosure or suggestion of any mechanism for automatically initializing the communication parameters of an integrated access device. As such, Applicants respectfully submit that the proposed attempt to correlate the language of Applicants' claims 19-22 with various identified portions of the cited patents to Kolbenson et al and Elliott et al, as enumerated in paragraphs 6-10 of the outstanding Office Action, is grossly inaccurate.

With respect to paragraph 6, bridging pages 2 and 3 of the Office Action, as pointed out above, Kolbenson et al contains no disclosure or suggestion of any digital communication link pre-establishment control routine that is automatically executed by the control processor of the IAD to automatically set operational parameters of the IAD to conform with those of various pieces of equipment employed by the service provider. Rather, Kolbenson et al is directed to a central office switch architecture which is operative to dynamically meet the bandwidth demands of a customer, as communication needs of the customer change. Nothing is said anywhere in the patent of a scheme for pre-establishing or initializing the communication parameters of the IAD 19.

Paragraph 6 of the Office Action alleges that the

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description on column 2, lines 35-45 of Kolbenson et al meets the limitations of step (a) of "testing all possible line rates". This statement is inaccurate. In the first place, column 2, lines 35-45 of Kolbenson et al make no reference to voice rate lines of MCI and AT&T, as incorrectly alleged in the Office Action. The identified service providers are described, however, in column 9, lines 28-40. In the paragraph containing lines 25-42, within which these lines are recited, the patentees describe the dynamic bandwidth allocation provided by the central office switch mechanism described in the Kolbenson et al patent. In the described example, the switch initially provides a customer with a single DS0 timeslot for handling a voice rate call. Then, later in the day, there is a change in the bandwidth required, since a video teleconference is required. In order to meet this increased bandwidth demand, the switch allocates an additional four DS0 time slots, so that a total of five DS0 time slots are provided to make the connection. This fractional T1 bandwidth allocation (fractional being a number that is less than the entire 24 DS0 time slots of a standard T1 TDM frame) increases the bandwidth, but does not change the data rate. The data rate remains the same, that of a standard DS0 time slot.

Nowhere in their patent do Kolbenson et al describe any mechanism for testing multiple or plural line rates in order to determine the line rate of the digital communication link. The line rate is given. It is a DS0 line rate.

Moreover, Kolbenson et al contain no disclosure or suggestion of providing the capability of determining the line rate based upon stored vendor-supplied a priori negotiation information and based upon testing of plural line rates, as now more particularly recited in the amended step (a) of claim 19.

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The last sentence of paragraph 6 of the statement of the rejection is not understood. Why port module 30-2 is referred to is unclear to Applicants. Port 30-2 is shown as unconnected to anything. Applicants do not understand the statement that "Kolbenson teaches the use of parameters associated with the number of ports in port signalling". How does this correlate to Applicants' invention?

With regard to step (d), claim 19 has been amended to more correctly specify that the voice gateway and the voice transfer protocol are "identified", rather than being "located" in the sense of a location of "where" those components reside. The purpose of the step is to "specify" or "identify" the voice gateway and the voice transfer protocol. In any event, Kolbenson et al contain no disclosure or suggestion of any mechanism employed by the IAD 19 to perform step (d).

It is noted that paragraph 6 on pages 2 and 3 of the outstanding Office Action, makes no reference to the limitations of step (b) and (c) of claim 19. Applicants infer that this is an admission that the cited reference is silent with respect to these steps, which, of course, it is.

In paragraph 7 on pages 3 and 4 of the outstanding Office Action, the contents of the abstract of Elliott et al are initially recited, followed by statements in the last two sentences of the paragraph, which are not understood by Applicants. What do these statements have to do with the present invention/ Elliott et al contain no disclosure or suggestion of any mechanism for providing a link pre-establishment routine that sets the communication parameters of an IAD, prior to conducting communications between that IAD and a voice gateway. The reference to Figure 19B of Elliott et al do not provide any

correlation between any of steps (a)-(e) of claim 19 and the cited reference. The statement in the last sentence of paragraph 7 and the comments in paragraph 8 on page 4 of the Office Action are not what is recited in Applicants' claims. Step (b) of claim 19 specifies that the type of encoding to be employed is determined in accordance with an examination of a priori known operating modes and selectable options for said device. In the quality of service providing scheme of Elliott et al, the mode (not modes) is known. The mode has an associated encoding, so that both are fixed. There is no examination of a priori known operating modes (plural) and selectable options for the device in order to determine the type of encoding to be employed for the IAD. Again, it is to be noted that, like Kolbenson et al, Elliott et al do not disclose or suggest any link pre-establishment control routine for setting up the operational parameters of an IAD as delineated in claims 19-21.

In addition to the failure of the cited references to disclose or suggest the features of steps (a) and (b) of claim 19, neither reference contains any disclosure or suggestion of the aspects of step (c), wherein the type of digital communication device communication protocol to be employed is identified, in accordance with, or based upon, the type of encoding that has been determined in step (b). It is again to be noted that the Office Action is silent with respect to step (c) of claim 19.

As the cited references fail to disclose steps (a)-(c), they also fail to disclose the use of the parametric information derived thereby to configure the communication parameters of the IAD to conform with that information, as now more clearly defined in step (e) of claim 19.

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With respect to claim 20, the comments in paragraph 9 on page 4 of the Office Action are unsupported statements. There is no evidence of record to support the allegation made. Elliott et al contains no disclosure or suggestion of a pre-establishment control routine for an IAD in which the type of digital communication device communication protocol is identified based upon the type of encoding determined in step (b) and involves a determination of whether the communication link is using HDLC, ATM, or customized ATM transport protocol. Applicants admit that these protocols are well known in the communications industry. That is not the point. What is required is that there be a disclosure or suggestion in the prior art evidence relied upon of the features recited in the claims. As noted above, both Kolbenson et al and Elliott et al are silent with respect to Applicants' claimed invention.

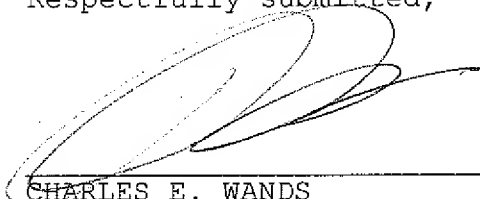
With respect to claim 21, Applicants again respectfully submit that comments in paragraph 10 on page 4 of the Office Action are unsupported allegations. In the first place, in both Kolbenson et al and Elliott et al, the type of encoding is given, as the mode of operation is given. There is no examination of anything to determine the type of encoding. Secondly, neither Kolbenson et al nor Elliott et al addresses a scheme for pre-configuring the communication parameters of an IAD. The references certainly do not disclose or suggest the more particularly defined features of step (c) of claims 19 and 21.

In view of the failure of the prior art cited the outstanding Office Action to disclose or suggest the definition of Applicants' invention in amended claims 19-21, favorable reconsideration of this application and a notice of allowance of claims 19-21 are respectfully requested.

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Respectfully submitted,



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